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Ronald Lynn Blair

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EXAMINER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,024	<b>Applicant(s)</b> BLAIR ET AL.	
	<b>Examiner</b> ALAN LUONG	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-2,5-13 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-13 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

In view of the Appeal Brief, filed on 01/18/2010, PROSECUTION IS HEREBY REOPENED. However, upon further consideration, a new ground(s) of rejection is made with new Ellis; in view of Bosloy et al. set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-2, 5, 9-13 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/00251827 A1 published by **Ellis et al.** (Hereinafter **Ellis**); in view of EP 1119120 issued to **Bosloy**.

**Regarding to claim 1:** Ellis teaches **a method for issuing a parental monitoring query command for determining a media object being rendered on a remote device** (i.e. user TV equipment [44] of Fig. 1; (**Ellis, ¶0012**), **comprising the steps of:**

Fig. 3, 4a-4c of Ellis illustrate **from a monitoring device** (i.e. parent TV [60]) **transmitting a query requesting identification information for a media object** (i.e. scheduled television programming) **to a remote device** (i.e. children TV [61], living room TV [62], or guest TV [63]) **from a host device** (i.e. server [42] in television distribution facility [38] of Fig. 1); (**Ellis, ¶0062, ¶0101, and Fig. 16**) and may further "provide, from the monitoring device" [60] the ability to remotely change the viewed media object in the case of objectionable content being watched [**¶0103**].

However, Ellis fails to teach *the media object are being multicasted through a multicast group; receiving multicast information in response to said query, wherein said multicast information indicates a multicast address and port which is used to multicast said media*

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*object through the multicast group to the remote device from the host device; joining the multicast group with said received multicast information to receive said media object;*

In an analogous art directed toward a similar problem namely improving the results from above missing features of Ellis. Fig. 2-5 of Bosloy illustrates a source [10] as **the host device**; edge blocks 40-42; each block has **a multicast group** (i.e. subscribers [51-55]) (Bosloy, ¶0010); **the media object are being multicast through a multicast group to the remote device** (i.e. user's device at subscribers [51] to [55]) (Bosloy, ¶0016-¶0019);

**receiving multicast information** (i.e. subscriber communicates with edge blocks by using IGMP) **in response to said query; (Bosloy, ¶0020, ¶0046)** wherein said **multicast information indicates a multicast address** (i.e. completed data stream in a point to multipoint transmission can be delivered on the same destination IP address) **and port** (i.e. each of edge blocks 40-42 is different port for a particular channel) **which is used to multicast said media object through the multicast group to the remote device from the host device; (Bosloy, ¶0014-¶0016);**

**joining the multicast group with said received multicast information to receive said media object; (Bosloy, ¶0025-¶0028 and ¶0042)**

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify *a method for issuing a parental monitoring query command for determining a media object being rendered on a remote device* **of Ellis** includes *a multicast group using IGMP communication* as taught by Bosloy in order to

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provide digital multimedia distribution services in a manner that reduces latency and allows for expandability in terms of the number of subscribers which may be supported.

**(Bosloy, ¶0008)**

Additionally, Bosloy teaches **resolving said multicast address and port information;** **(Bosloy, ¶0014-¶0019)** to combine with Fig. 18-19 of Ellis depicts **identify attributes of said media object;** (i.e. a user in the parents' room may notice that the television in the children's room is tuned to a program the child should not be watching; setting the parental control features that may be distributed to remote locations within a household include: blocking channels by title, blocking channels by time, blocking channels by content (language, nudity, etc.), **(Ellis, ¶0102 to ¶0105)**

Finally, Bosloy teaches **providing a leave command** (i.e. as leave request) **to the host device** (i.e. edge block) **to remove said remote device from said multicast group;** **(Bosloy, ¶0036, ¶0044)**, in view of Ellis teach **from the monitoring device** (i.e. parent TV [161] as master control [166] of Fig. 11) **(Ellis, ¶0092)**, where parent can set the parental control features that may be distributed to remote locations within a household include: blocking channels by title, blocking channels by time, blocking channels by content (language, nudity, etc.), if the parent notices that the television in the children's room is tuned to a program the child should not be watching; **(Ellis, ¶0095 to ¶0099 and ¶0102 to ¶0105)** meets the limitation of “ **if said media object is objectionable so that receipt of said media object by said remote device is disabled in real-time**”. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify monitoring **if said media object is**

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**objectionable** of Ellis including **leave command** as taught by Bosloy **to disable said remote device for receiving said media object.**

**Regarding to claim 2:** the method of claim 1; Ellis teaches digital multimedia as **said media object is rendered on said monitoring device; (i.e. television programs may be displayed on television 52 of set-top box [48]) (Ellis, ¶0102)**

**Regarding to claim 5:** In the method of claim 1; Bosloy explicitly teaches **monitoring device is an Internet Protocol enabled set top box.** (i.e. an IP protocol which allows host (i.e. as Set-top box 60) to control their IP multicast group) **(Bosloy, ¶0020, ¶0022)**

**Regarding to claim 9:** Ellis further teaches **a middleware server ;(i.e. server [42] or [80] of Fig. 5 as a client server) (Ellis, ¶0062, ¶0074);** in view of Bosloy teaches **wherein said resolving step uses IGMP data obtained from a middleware server**

**Regarding to claim 10:** In the method of claim 1; Bosloy also teaches **where said query additionally comprises:**

**a request for a browser history log file** (i.e. the subscriber history information),  
(Bosloy, ¶0023)

**and** Bosloy further teaches the subscriber history information with regard to complete data stream selection as TCP/IP to be delivered to the same destination IP address)  
**(Bosloy, ¶0014) meets where said log file comprises the IP addresses of media objects accessed by said remote device.**

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**Regarding to claim 11:** In the method of claim 10, Bosloy further teaches **the remote device is a personal computer** (i.e. personal computer [62] of Fig. 3; (**Bosloy, ¶0022**)

**Regarding to claim 12:** Fig. 1 of Ellis illustrates **an apparatus** (i.e. a program guide system [30]) **for issuing a parental monitoring query command for determining a media object being rendered on a remote device** [44] as shown in Fig. 18 a, 18b and 19; (**Ellis, ¶0059 to ¶0068; ¶0095 to ¶0099**), merely repeat the same method as disclosed in claim 1. Herein:

Fig. 5 of Ellis illustrates a communication path 85 as a **network interface**; (**Ellis, ¶0074**) that issues a query requesting identification information for a media object

Fig. 3 of Bosloy illustrates a point-point connection [66] is a broadband interface also as a **network interface**; (**Bosloy, ¶0019**)

Fig. 4 of Bosloy illustrates **a transport decoder** [70] that processes said multicast information in response to said query; which includes **a data transport decoder [76]** that resolves said multicast address and port information to identify attributes of said media object; (**Bosloy, ¶0030-¶0031**)

These above components have function supporting the limitation of claim1 which is disclosed by Ellis and Bosloy, wherein the apparatus is implemented using the "method" of Ellis and Bosloy; therefore, claim 12 is rejected by combination of Ellis and Bosloy for the same reason as discussed in claim 1 (see discussion in claim 1 above).



**Regarding to claim 13:** merely repeat the same features of claim 2, Ellis and Bosloy disclose all claim limitation of claim 2; wherein the apparatus is monitoring device [60] of Ellis; see discussion in claim 2 above.

**Regarding to claim 19:** merely repeat the same features of claim 10, Ellis and Bosloy disclose all limitation of claim 10; wherein the apparatus is implemented using the "method" of Ellis and Bosloy; see discussion in claim 10 above.

3. **Claims 6, 7, 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis and Bosloy**, in view of US Patent No. 6774926 to Ellis et al. (Hereinafter **Ellis'926**)

**Regarding to claim 6:** In the method of claim 1; Ellis and Bosloy fail to teach wherein said monitoring device uses a channel list that maps said multicast address and port to a channel.

In an analogous art directed toward a similar problem namely improving the results from a channel list that maps said multicast address and port to a channel. Ellis'926 teaches a personal television channels with digital or analog television channels on a viewer's set-top box **wherein said monitoring device** as viewer equipment 34 **uses a channel list** (i.e. channel maps that link certain personal television channels with digital or analog television channels on a viewer's set-top box or that link certain personal television channels with Internet address information as **multicast address and port** that may be used to locate **to a channel** when a viewer desires to view certain personal television channel programming; (**Ellis'926; col. 14 lines 4-12**) Therefore, It would have

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been obvious to a person of ordinary skill in the art at the time of the invention to modify the setting parental control features of Ellis and Bosloy with a personal TV channel as taught by Ellis'926; in order to Links may be provide links from displayed personal television channels to web sites, chat rooms, e-mail applications, and other such features (**Ellis'926; Abstract**).

**Regarding to claim 7:** In the method of claim 6; Fig. 18a-18b of Ellis illustrate channel screen [208] wherein **a program guide is used to select the media objects transmitted via a multicast media object corresponding to said channel**". (Ellis, ¶0098, ¶0099)

**Regarding to claim 16:** merely repeat the same features of claim 6, Ellis, Bosloy and Ellis'926 disclose all limitation of claim 6; wherein the apparatus is implemented using the "method" of Ellis, Bosloy and Ellis'926; see discussion in claim 6 above.

**Regarding to claim 17:** merely repeat the same features of claim 7, Ellis, Bosloy and Ellis'926 disclose all limitation of claim 7; wherein the apparatus is implemented using the "method" of Ellis, Bosloy and Ellis'926; see discussion in claim 7 above.

4. **Claims 8 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis and Bosloy** ; further in view of "Request For Comments 3266; Updates 2327, Network Working Group, June 2002) published by Olson et al.(hereinafter **Olson**)

**Regarding to claim 8:** Bosloy teaches **the media object is transmitted as part of an Internet Group Management compatible protocol multicasting service (IGMP)**; (see **Bosloy, ¶0020, ¶0009, ¶0012, ¶0014, and ¶0048-¶0050**).

However, Bosloy fails to teach “program identification information is available for said media object as part of a Session Description compatible protocol”.

Olson; in the “Support for IPv6 in Session Description protocol (SDP)” teaches IPv6 addresses when used within a URL; (**Olson; pages 1-3**) meets the limitation of **“program identification information is available for said media object as part of a Session Description compatible protocol”**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the parental monitoring setting features of Ellis and Bosloy with IPv6 addresses in SDP as taught by Olson; in order to connect and monitor audience rating directly from updates software as IPv6 addresses without extra monitoring devices or manual operations from service providers.

**Regarding to claim 18:** merely repeat the same features of claim 8, Ellis, Bosloy and Olson disclose all limitation of claim 8 wherein the apparatus is implemented using the "method" of Ellis, Bosloy and Olson; (see discussion in claim 8 above).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/  
Examiner, Art Unit 2427

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427